

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re the application of:

CAPLAN, et al.

Serial No.: 09/625,228

Filed: 24 July 2000

For: MODULAR RACK FOR
COMPACT DISCS

Examiner: Not Yet Known

Art Unit: Not Yet Known

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on 22 January 2001

Signed: _____

Todd V. Leone

Assistant Commissioner for Patents
Washington, D.C. 20231

**AMENDMENT AND PETITION AND FEE DELETING CORRECTLY NAMED
INVENTOR WHO IS NOT AN INVENTOR OF INVENTION NOW CLAIMED
(NON-PROVISIONAL APPLICATION 37 CFR §1.48(b))**

1. Filed herewith is a Second Preliminary Amendment, as well as a Petition to Make Special and accompanying documents and Statements.

2. This Amendment and Petition under 37 CFR §1.48(b) is to delete the name of DAVID CAPLAN as an inventor, as he is not a co-inventor of the invention that is being claimed as a result of said Second Preliminary Amendment.

3. The underlying application was filed with claims directed to a rack (claims 1-14), a holder (claims 15-24), and a rotatable loops (claims 25-26). David Caplan was a proper inventor or co-inventor of at least one of the originally filed claims.

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4. A Preliminary Amendment filed herein on 19 October 2000 amended various of the claims, and David Caplan was still a proper inventor or co-inventor of at least one of the then-pending claims.

5. However in an attempt to expedite prosecution in view of actual infringement, a Second Preliminary Amendment is filed herewith, in which claims 1-14 (directed to a rack) are cancelled, claim 21 (a holder claim) is amended, claim 22 (a now redundant holder claim) is cancelled, claims 24-26 are cancelled (after the preliminary amendment, all rack claims), and new claims 27-46 (all holder claims) are added.

6. Thus the claims now pending 15-21, 23, and 27-46 are all directed to a holder, and the sole inventor for the subject matter now being claimed is Charles E. Taylor. Stated differently, David Caplan is neither an inventor nor a co-inventor of the invention defined by any of now pending claims 15-21, 23, and 27-46.

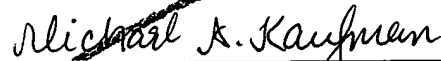
7 Ownership of the underlying application, including the presently pending claims, remains in assignee Sharper Image Corp.

8. The \$130.00 required under 37 CFR §1.17(i) is paid by Check No. 34072 enclosed.

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The Commissioner is authorized to charge any additional fees that may be required, including extension fees, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-67467-2/MAK).

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